

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

**ESTEBAN DIAZ VEGA
HILDRED MATTEI FRANCESCHINI**

Debtors

CASE NO.: 06-5255-MCF

CHAPTER 7

**MOTION TO REOPEN CASE FOR ACTION RELATED TO VIOLATION
OF DISCHARGE**

TO THE HONORABLE COURT:

COMES NOW, Debtors **ESTEBAN DIAZ VEGA & HILDRED MATTEI FRANCESCHINI**

by counsel, and hereby request that the above-captioned case be reopened pursuant to 11 U.S.C § 350(b) in order to accord relief to the Debtors; and in support thereof avers as follows:

1. The debtors filed for relief under the bankruptcy code, for a chapter 13 on December 22, 2006, (dk-1), subsequently converted to chapter 7 and received a discharge order pursuant to 11 U.S.C. §727 on September 11, 2009 (dk-83).
2. Among the creditors listed with debts was Banco Popular de Puerto Rico hereinafter (BPPR) as a secured and unsecured creditor from multiple claims.
3. BPPR filed claim no. 18-1 which included various three notes of unsecured loans in said claim.
4. Later after the discharge order was entered BPPR sold the above stated to notes another creditor and last Condado 3, CFL, LLC. hereinafter (“Condado”), acquired the discharge claims.
5. Nonetheless after the discharge order was entered the creditor that acquired claim no. 18-1 continue to send collection letters claiming the payment of the note describe in proof of claim no. 18-1 as “Exhibit A” in the amount of \$50,000.00 with an overdraft of \$135.00.
6. The continue harassment of the creditor to the debtors claiming a dishcarge debt has cause the debtors harm, prejudice and has spoiled their fresh start as the collection of the debt has also halted future negotiations as to a secured debt currently owned by Condado.

7. The debtors has notified by phone to the creditor that the debt in the amount of \$50,000.00 dollars was discharge and the creditors have shown complete disregard to the debtor's statements.
8. The creditor Condado even went as far a filing a civil suit in the Federal District Court of Puerto Rico for the foreclosure of the secured loan and the collection of the discharge unsecured note in the amount of \$50,000.00. See Case no. 18-01928, Dk- 1, page. 4 of the Federal District Court for Puerto Rico.
9. This action increase the stress of the debtors which have tried to make a good faith arrangement with the creditor Condado to no avail as Condado still did not recognize the unsecured debt of \$50,000.00 as discharge.
10. The Debtor needs to file a motion to reopen the instant case to pursue an action against Banco Popular de Puerto Rico, for violation of the discharge injunction pursuant to 11 USC§ 524.
11. The Federal Rules of Bankruptcy do not require a fee for this complaint.
12. The debtor is filing a complaint for contempt, for violation of the discharge injunction applicable to this case by virtue of 11 U.S.C. § 524(a).

WHEREFORE, the Debtors request that this case be reopen to allow the debtors to file and prosecute an action against creditors for violation of the discharge injunction pursuant to 11 U.S.C. §524 of the Bankruptcy Court and that the Court grant a waiver of the filing fee to reopen the instant case.

21 DAYS NOTICE: Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be

deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the present motion with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all CM/ECF participants, and to all parties in interest as per the attached master address list.

In Sabana Grande, Puerto Rico this 27 day of December of 2019.

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06-05255-MCF7 ESTEBAN DIAZ VEGA and HILDRED MATTEI FRANCESCHINI
Case type: bk Chapter: 7 Asset: Yes Vol: v US BANKRUPTCY JUDGE: MILDRED CABAN FLORES
Date filed: 12/22/2006 Date of last filing: 11/26/2010
Debtor discharged: 09/11/2009 Joint debtor discharged: 09/11/2009
Date terminated: 11/24/2010

Creditors

ADL PLUS INC
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(cr)
ADL PLUS INC.
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AEE
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AETREX WORLDWIDE INC
414 ALFRED AVE
TEANECK NJ 07666-5756(2365245)
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PO BOX 1130
AMHERST NY 14226(2406721)
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ALIMED INC
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AXESA
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